## UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

TIMOTHY J. PAGLIARA,	)		
Plaintiff;	) ) )	Case No.	
<b>v.</b> •	)		
JOHNSTON BARTON PROCTOR &	)		
ROSE, LLP,	,		
	)		
Defendant.	)		

## **NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Johnston Barton Proctor & Rose, LLP ("Johnston Barton") hereby gives notice of removal of Civil Action Number 38487 from the Chancery Court of Williamson County, Tennessee, to the United States District Court for the Middle District of Tennessee. In support of removal, Johnston Barton states as follows:

- 1. On June 8, 2010, Plaintiff filed a complaint against Johnston Barton in the Chancery Court of Williamson County, Tennessee. The case was designated by the Court as Civil Action No. 38487.
- 2. The complaint was served on Defendant on June 17, 2010. Pursuant to 28 U.S.C. § 1446(a) a copy of the Summons and Complaint are attached hereto as Exhibit A.
- 3. Plaintiff is a citizen and resident of Franklin, Tennessee. (See Compl. (attached at Ex. A) at ¶ 1).
- 4. Johnston Barton, a law firm, is an Alabama limited liability partnership with its principal place of business located in Birmingham, Alabama. (See id. at ¶ 2). None of its partners resides in Tennessee.

- 5. In his complaint, Plaintiff prays for a judgment against Johnston Barton of compensatory and punitive damages "in an amount in excess of \$1,000,000" (See id. at ¶ 1 of prayer for relief).
- 6. Accordingly, the United States District Court of the Middle District of Tennessee has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1332(a) and (c)(1) because the parties are citizens of different states and the amount in controversy exceeds \$75,000. This action is therefore removable pursuant to 28 U.S.C. § 1441(a).
- 7. Johnston Barton has given written notice of the removal of this case to Plaintiff through his attorney of record and will promptly file a true and correct copy of this Notice of Removal with the Clerk of the Chancery Court of Williamson County, Tennessee, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Johnston Barton hereby removes the above-captioned case to the United States District Court for the Middle District of Tennessee and gives notice to the Chancery Court of Williamson County, Tennessee to proceed no further with respect to this action.

Respectfully submitted;

s/Joseph F. Wellborn

Joseph F. Welborn, III (#15076)

John C. Hayworth (#16133)

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WALKER, TIPPS, & MALONE, PLC

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Attorneys for Defendant

## **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been served via hand delivery on the following:

Eugene N. Bulso, Jr. 414 Union Street, Suite 1740 Nashville, TN 37219

this the <u>lq</u> day of July, 2010.

/s/ Joseph F. Welborn, III